

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JERRY D. POUGH,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:23-cv-00425-MMD-CLB

ORDER

Pro se Petitioner Jerry D. Pough has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, a motion to extend prison copy work limit, a motion for court records and transcripts, a motion to transport, and a motion in support of an expedited preliminary injunction. (ECF Nos. 1-1 (“Petition”), 1-3, 1-4, 1-5, 1-6 (“Motions”).) Petitioner has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP”). Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs; (b) a financial certificate signed by the prisoner and an authorized prison official; and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1, 1-2. Although Petitioner filed his application and acknowledgement, he has not included a financial certificate or a copy of his 6-month account statement. (ECF No. 1.) Petitioner has until October 20, 2023, to either pay the \$5 filing fee or submit his missing IFP application documents.

1 Further, Petitioner did not file his petition on the appropriate form or in substantial
2 compliance with the form but, instead, hand-wrote a petition on blank paper. His hand-
3 written petition fails to disclose the required information. The form is important as it
4 provides the Court with necessary information to conduct preliminary review of the
5 petition. Accordingly, by October 20, 2023, Petitioner must file an amended petition on
6 the Court's form.¹ In doing so, Petitioner is advised to follow the instructions on the form
7 and to refrain from lengthy legal or factual argument. Petitioner must clearly title the
8 amended petition as such, and he must place the case number, 3:23-cv-00425-MMD-
9 CLB, in the designated space.

10 It is therefore ordered that the initial screening of Petitioner Jerry Pough's Petition
11 for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases
12 and consideration of his Motions (ECF Nos. 1-3, 1-4, 1-5, 1-6) are deferred until such time
13 as he has fully complied with this Order.

14 It is further ordered that on or before October 20, 2023, Petitioner must file: (1)
15 a financial certificate signed by Petitioner and an authorized prison official; and (2) a copy
16 of his inmate account statement for the prior 6-month period. Alternatively, Petitioner must
17 pay the \$5 filing fee on or before October 20, 2023. If Petitioner decides to pay the filing
18 fee from his inmate account, he must arrange to have a copy of this Order attached to the
19 check for the filing fee.

20 It is further ordered that Petitioner must file an amended petition on the Court's
21 form on or before October 20, 2023, by labeling it "Amended Petition" and placing the
22 case number, 3:23-cv-00425-MMD-CLB, in the designated space.

23 It is further ordered that Petitioner's failure to timely comply with this Order will
24 result in the dismissal of the Petition without prejudice and without further advance notice.

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26 ¹Petitioner remains responsible at all times for calculating the applicable statute of
27 limitations. By ordering Petitioner to amend his petition, the Court makes no finding or
28 representation that either the original or amended petition will be considered timely.

1 The Clerk of Court is further directed to send Petitioner: (1) one blank copy of the
2 IFP application form for inmates along with instructions; (2) one blank copy of the form
3 petition for a writ of habeas corpus under 28 U.S.C. § 2254 along with instructions; and
4 (3) two copies of this order.

5 DATED THIS 31st Day of August 2023

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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